

PATENT
450100-03566**REMARKS**

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the remarks herewith, which place the application into condition for allowance.

I. STATUS OF THE CLAIMS AND FORMAL MATTERS

Claims 1-40 are pending. Claims 1, 13, 31, 32, 34, 35 and 37 are independent. Claims 26-30, 33 and 36 are withdrawn from consideration.

Claims 4-11, 16-24, 39 and 40 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims. Applicants submit that these claims depend, either directly or indirectly from one of the independent base claims noted above, and as such are allowable without being rewritten in independent form.

II. REJECTIONS UNDER 35 U.S.C. §102 and 103

Claims 1-3, 13-15, 31, 32, 37 and 38 were rejected under 35 U.S.C. §102(e) as allegedly anticipated by U.S. Patent No. 6,744,891 to Allen.

Claims 12 and 25 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Allen.

PATENT
450100-03566

Claim 1 recites, *inter alia*:

“An information processing apparatus comprising...

quality improving means for improving the quality of the data according to at least the improvement information and the another improvement information obtained according to a request...” (emphasis added)

As understood by Applicants, U.S. Patent No. 6,744,891 to Allen (hereinafter, merely Allen) relates to a method and system for delivering data over a communication network, which ensures proper payment of royalties while preserving free access to data for purposes such as browsing or research. An exemplary method includes the steps of providing a partially degraded version of the data over the network, without payment of a royalty fee, to a customer at a user terminal connected to the network and providing a higher quality version of the data to the customer over the network if the customer is entitled to receive the higher quality version. The determination as to whether the customer is so entitled may be made by, for example, determining if a royalty fee payment has been received. The partially degraded version of the data is substantially recognizable when displayed, printed, played, run or otherwise utilized by the customer at the user terminal, and may be generated by, for example, deleting or encrypting a portion of the undegraded data.

Specifically, Allen discloses that the lowest level of resolution corresponds to a partially degraded version of the data and is provided without payment of a royalty fee, and after the customer makes a royalty fee payment, the higher quality version is provided at the quality level commensurate with the amount of royalty fee paid. Column 5, lines 4-19 of Allen state that the data may be associated with partially degraded versions of the data, as in claim 1 of the pending claims. Furthermore, the decryption key of Allen may be associated with the improvement information of claim 1 of the pending claims. However, there is no “another

PATENT
450100-03556

improvement information" in Allen, as recited in claim 1. In other words, Allen merely provides one level of improvement information, whereas the pending claims provide for two levels of improvement information.

Moreover, column 5, lines 36-46 of Allen state that the data may be associated with the partially degraded versions of the data. Furthermore, the system of Allen merely provides data at the specified quality level according to the amount of a royalty fee paid. However, the quality improving means recited in claim 1 of the pending claims can improve the quality of the data according to both the improvement information and the another improvement information. Again, Allen provides only one level of improvement. Therefore, the present invention recited in claim 1 of the pending claims is different from the system of Allen.

Applicants submit that Allen does not teach or suggest the above-identified features of claim 1. Specifically, Applicants submit that there is no teaching or suggestion of a quality improving means for improving the quality of the data according to at least the improvement information and the another improvement information obtained according to a request, as recited in claim 1.

Therefore, Applicants submit that independent claim 1 is patentable.

For reasons similar to or somewhat similar to those described above with regard to independent claim 1, amended independent claims 13, 31, 32, 34, 35 and 37 are also believed to be patentable.

Therefore, Applicants submit that independent claims 1, 13, 31, 32, 34, 35 and 37 are patentable.

PATENT
450100-03556**III. DEPENDENT CLAIMS**

The other claims are dependent from one of the independent claims, discussed above, and are therefore believed patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.


CONCLUSION

Please charge any additional fees that may be needed, and credit any overpayment, to our Deposit Account No. 50-0320.

In view of the foregoing amendments and remarks, it is believed that all of the claims in this application are patentable and Applicants respectfully request early passage to issue of the present application.

Respectfully submitted,

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